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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,007	10/24/2003	William C. Phillips	1023-284US01	9366
28863	7590	06/04/2007		
SHUMAKER & SIEFFERT, P. A. 1625 RADIO DRIVE SUITE 300 WOODBURY, MN 55125			EXAMINER MANUEL, GEORGE C	
			ART UNIT 3762	PAPER NUMBER
			MAIL DATE 06/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/693,007

Applicant(s)

PHILLIPS ET AL.

Examiner

George Manuel

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-35 and 37-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-35 and 37-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11, 13-35, 38-58 and 60-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woods et al '899 in view of Monroe et al (US 5,527,261) and further in view of Nardelli et al (US 2003/0063863).

Woods et al disclose a first circuit board comprising RF module 650 within a first housing member comprising microprocessor 620, a second circuit board comprising display screen 240, a second housing member comprising hand held programmer 202, a loading port comprising ROM port 647, and a plate member comprising button pad 241. Fig. 7A shows housing member 202 from a z-axis perspective in which elements: RF module 650, microprocessor 620, display screen 240, and button pad 241 are stacked.

Monroe et al teach a hand-held device similar in size and shape to the device disclosed in Woods et al may comprise a stack of circuit boards 62 located within a body portion 14.

Nardelli et al teach stacking circuit boards saves space.

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In view of the teachings of Nardelli et al and Monroe et al, one of ordinary skill in the art would have found it obvious to stack the circuit elements of Woods et al in a stacked z-axis configuration.

Regarding claims 30 and 53, Woods et al show the processor IC 620 includes an RF module 650 that connects to an antenna 652 via an RF Receiver circuit 653 and an RF transmitter circuit 654.

Regarding claims 45 and 67, Woods et al show a computer is connected to the HHP 202 through an IrDA compatible infrared serial port using an infrared cable extension.

Woods et al does not appear to show disabling the display during telemetry and the battery features.

One of ordinary skill in the art would have found it obvious to disable the display during telemetry because this is a known technique to conserve power.

Regarding claims 31-33 and 54-56, one of ordinary skill in the art would have found it obvious to provide a battery bay for batteries in the first housing member because the unit is intended to operate on battery power.

Claims 37 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woods et al '899 in view of Monroe et al (US 5,527,261) and Nardelli et al (US 2003/0063863) and further in view of Greenberger et al '369.


Greenberger et al teach using a JTAG test port for in situ testing of IC chips mounted on a board.

One of ordinary skill in the art would have found it obvious to use the teaching of Greenberger et al with the microprocessor chips of the device disclosed in Woods et al because the chips are mounted on similar type boards.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Manuel whose telephone number is (571) 272-4952.


George Manuel
Primary Examiner
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